

# **Southern California Natural Community Conservation Plans**

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The natural environment of California is one of the planet's most magnificent treasures. California is blessed by nature from the high sierra to the Big Sur coast, from the ancient redwoods of the northwest to the deserts of Anza Borrego and Mojave. These diverse natural communities shelter a wealth of species unlike any other in the continental United States. California's habitats are home to dozens of rare and unique plants and animals found nowhere else on earth — a natural legacy to be shared with future generations.

The same environment that fills us with wonder is an important part of the quality of life that attracts millions of residents to the state. California is now home to more than 36 million people — one out of every eight people in the United States. Reasonable estimates expect another 18 million citizens to call the state home by the year 2025.

The crush of such a population and its associated housing, transportation, water, food and other needs puts an enormous strain on the state's natural resources. California has already experienced a great decline in its native habitats. More species are listed as endangered or threatened than any state except Hawaii —one-fifth of all listed endangered species are found in California. Further loss is almost inevitable. How can we protect the natural values that make California so special while accommodating the needs of a rapidly expanding human population?

The Endangered Species Act (ESA) is not well suited to protect entire ecosystems or resolve species-driven conflicts over the use of the land. Rather, the Act is designed to rescue species on the verge of extinction. Indeed, the law itself sends the final signal that the level or manner of resource use cannot be sustained without extinguishing a particular species, and it imposes strict measures to protect the species. Not surprisingly, when the ESA comes into play, opportunities to accommodate other interests are usually severely limited. Species heading for trouble, on the other hand, must wait until their circumstances become sufficiently dire to warrant protection under the Act. Until then, the species is fair game. In effect, the ESA sets in motion a reactive, rather than an anticipatory, process. It is a device for crisis management, not crisis avoidance.

In 1991, California decided that a new approach to the problem was needed. The answer was a new habitat conservation initiative based on broad partnerships among conservationists, local governments, landowners and regulatory agencies. The Natural Community Conservation Planning, or NCCP, program would create regional conservation and development plans that protect entire communities of native plants and animals while streamlining the process for compatible economic development in other areas.

The Southern California approach to conservation transcends the limitations of the traditional approach to the protection of individual species. The approach is designed to

head off ecological crisis and economic tumult by planning in advance for broad swaths of the natural landscape. It looks beyond the needs of a few species, focusing instead on the preservation of entire ecosystems, not just discrete parts, and on communities of species, not just those already imperiled. It does so by establishing conservation priorities on the basis of habitat rather than species. By setting aside habitat important to the sustenance of numerous species, the future decline of the biological health of an area can be averted.

The approach also adds greater rationality to the conservation planning process. The project-by-project nature of the ESA regime means that habitat conservation plans (HCP) are often developed in isolation, with judgments about the rules of development made in a piecemeal, ad hoc manner. Consequently, it is often impossible to know how pieces fit together and whether preservation opportunities have been optimized. By looking at the total ecological picture, on the other hand, conservation needs can be better assessed, patterns and relationships more accurately portrayed, and biological hot spots readily identified. As a result, preserves can be shaped in ways that maximize their capacity to maintain the workings of natural systems and sustain biodiversity across ecosystems.

Conservation planning on a regional level also moderates the impact of regulatory requirements on the economic concerns of an area, thereby reducing the potential for conflict between environmental and developmental interests. Again, by evaluating conservation needs on a broad scale, opportunities to find room for accommodation of other interests increase, as does the potential for reaching a sensible and appropriate balance of uses on the land. The comprehensive nature of regional conservation planning further provides land developers with the advantage of far greater certainty and predictability in their planning and land acquisition decisions. Addressing the needs of multiple species up-front means that landowners can be spared the obligation (and surprise) to do so later. That is, if species covered by a plan are later listed under the ESA, landowners are relieved of any additional conservation requirements and are assured that development plans can proceed unimpeded.

Finally, the regional planning approach encourages the integration of wildlife protection objectives into the regulatory processes of local government. Under the approach, primary responsibility is placed in the hands of participating jurisdictions to devise and implement species conservation measures. The approach recognizes that decisions about the use of the land are best left to local government, and that the tools of local land-use planning, unavailable to the federal and state governments, are ideally suited for wildlife protection. In effect, the preservation of habitat equates to the protection of open space by local government through land-use regulation. Consequently, the role of the federal and state governments is limited to setting standards, monitoring and enforcing performance, and providing technical and financial assistance.

Today, five counties in Southern California participate in the NCCP/ESA hybrid process and are at various stages in developing plans that ultimately will produce a system of interconnected wildlife preserves stretching over 6,000 square miles from Los Angeles to Mexico. The first results of the experiment—the Orange County Central-Coastal Plan and

the San Diego County Multiple Species Conservation Program (MSCP) plan—are at or near completion.

The reach of the San Diego County and Orange County plans extends well over a thousand square miles, crossing jurisdictional boundaries and covering landscapes of remarkably diverse ecological features disfigured by helter-skelter urban sprawl. Not surprisingly, this is a landscape rife with species in dire straits; indeed, more endangered and threatened plants and animals are found in this region than any other place in the lower forty-eight states. To have taken steps to reverse this trend on a project-by-project, incremental basis would, at best, have resulted in marginally successful outcomes. With the visionary, far-reaching planning efforts undertaken by San Diego and Orange counties, chances have been greatly enhanced that the coastal ecosystems of Southern California will be sustained over the long-term.

The exercise of planning for these ecosystems, however, required a strong foundation of scientific understanding of the complex ecological processes that define the coastal region. Science provided the credibility for the approach and the basis upon which the plans could ultimately withstand rigorous scrutiny. Proceeding without a sound scientific base would have doomed both the experiment and perhaps many of the intended beneficiaries of the program. Moreover, such folly would have been particularly misguided given the limited opportunities for mid-course corrections in the urbanizing landscape of San Diego and Orange counties, where land not designated for preservation was certain to be consumed by development.

The State of California, as required by the legislation creating the NCCP, took the initial step in developing a scientifically credible program through the appointment of an independent review panel of nationally known conservation biologists to evaluate the task at hand and recommend a framework to guide the development of the plans. The panel's "conservation guidelines" established threshold requirements for a biologically defensible process, including standards for data collection, preserve design, and adaptive management. The criteria prescribed by the panel assured that the planning efforts stayed on course and provided the state and federal wildlife agencies with an additional gauge to measure the sufficiency of the plans. (The State Legislature has recently updated the NCCP enabling legislation by including, among other changes, a requirement that the planning process for all new NCCPs shall include peer review by an independent panel of scientists.)

Meanwhile, an extensive and perpetually growing database was being created that would assist in understanding the regional landscape. Through the use of geographic information systems, an increasingly sharp picture of the region was being formulated, depicting the relationships among geographic, geologic, biologic, and man-made features. Maps derived from this database revealed how biological resources were distributed. This information, such as the type, quantity and quality of natural communities, the whereabouts of species, the location and size of corridors, linkages and core areas, was clarified for the first time. By overlaying these biological resource maps on maps reflecting land ownership patterns and ongoing and potential land uses, gaps

between areas under existing protections and those vulnerable to loss became apparent. Biologists then could begin to make determinations about which areas would need to be protected to accomplish certain conservation objectives. Without the benefit of a comprehensive view of the regional landscape, the necessary elements of a sustainable preserve system—such as size, location, configuration, species mix and distribution—would have been very difficult, if not impossible, to ascertain.

A reliable portrayal of the biological resources in relationship to political and private property boundaries was also critical in devising strategies that would make implementation possible. With a detailed understanding of the relationship between patterns of development and biological requirements, each participating jurisdiction could make determinations about the regulatory approaches and land-use mechanisms that would be best suited to building a preserve system. The regional perspective also allowed planners to maximize, to the extent appropriate, use of public lands and minimize reliance on private lands in the design of the preserves.

Notwithstanding the strong biological basis for the preserve designs, the San Diego County and Orange County plans anticipate that ongoing tinkering within the preserves may be necessary. Unlike standard HCPs, the MSCP and Central-Coastal plans include a process to ensure that the overall biological health of the preserve systems is monitored on a constant basis and that management activities are responsive to changing conditions. As part of the agreements to implement the plans, the participating jurisdictions are obligated to set up preserve-wide adaptive management and monitoring programs that they will jointly administer in coordination with the federal and state wildlife agencies. These activities will provide early warnings of any decline in preserve function and assure a rapid response to these unforeseen circumstances.

The management and monitoring activities will also produce a flow of information that will enable the scientific community to pinpoint the most pressing research and data gathering needs. The scientists and researchers will likewise provide the feedback necessary to land managers as they carry out their tasks. A group of researchers, planners, and managers, under the leadership of the Biological Resource Division (BRD) of the U.S. Geological Survey, regularly gathers to help identify research and data gaps. This group has been working to engage the scientific community in designing and undertaking projects that will advance the efforts of preserve managers.

The listing of the California gnatcatcher as a protected species might have led to a showdown over the fate of the last remnants of the undisturbed landscape of Southern California. Conditions were ripe for conflict; the relentless tide of development rolling through the coastal sage scrub ecosystem threatened to trigger a rapid-fire succession of species listings capable of bringing development to a grinding halt. But confrontation never occurred. Instead, the planning efforts in San Diego and Orange counties proceeded with the participation and backing of private landowners and environmentalists alike, who both acknowledged that ecosystem-based planning offered the prospect for a better way to resolve endangered species issues than conventional species driven approaches. Indeed, the broad show of support for the final plans provided confirmation

that the regional planning approach had succeeded at reconciling the goals of environmental protection and urban growth.

Landowners and developers had several incentives to participate in the program, but most enticing was the certainty afforded by the plans. With the opportunity to resolve local, state, and federal endangered species issues once and for all, regional conservation planning made good business sense, even if these assurances meant assuming obligations for species and habitats not yet under the protection of state or federal ESA. Certainty meant that risk of serial species listings, particularly as it might affect project planning and financing arrangements, could be greatly reduced. Without this certainty, landowners would have seen little value in participating in a comprehensive conservation program, and instead would have retreated to the defensive and confrontational posture of the past.

Because of the extraordinary conservation benefits gained through the San Diego County and Orange County plans, the wildlife agencies offered an unprecedented package of assurances to participants. The first part of the package consists of what has become known as the “No Surprises” policy, a policy designed to provide finality to landowners who have prepared adequate habitat conservation plans. Under the policy, landowners and jurisdictions with properly functioning plans are assured that a “deal is a deal” and that no additional mitigation or land-use restrictions for species covered by the plans will later be imposed on them, even if the needs of the species change over time. In the event of such unforeseen circumstances, the federal and state governments assume the responsibility for undertaking any additional measures that may become necessary to conserve these species.

The wildlife agencies further sweetened the deal by extending the “No Surprises” policy to habitat types that will receive a heightened level of protection as defined by a set of conservation standards outlined in the plans. Under the so-called “habitat-based” assurances, landowners are relieved of any further responsibility to undertake conservation measures for any species, targeted by the plans or not, that is dependent on the covered habitat types. Again, the obligation falls on the wildlife agencies to take any further steps necessary to provide for the conservation of these species.

### Status of Southern California Planning Efforts

#### Orange County

Orange County has made great progress in creating plans under the NCCP program. In July 1996, the first local government led NCCP was signed for the central and coastal subregions of the county. The plan combines 17,000 acres of public land with 21,000 acres of private land set aside (including nearly 4,000 acres that were not previously identified for conservation) into a 38,000 acre nature reserve that protects nearly 40 rare species and several natural communities in the largest remaining habitat blocks in the county.

The preserve system, known as the Nature Reserve of Orange County, is managed by a private non-profit organization for public use and enjoyment as well as conservation through a permanent endowment fund. This \$11 million fund was built through a

partnership of public sources and private mitigation fees. The Central-Coastal NCCP provides long-term regulatory certainty to the private sector while adaptively managing the preserve lands.

Orange County has begun working on a similar NCCP plan for the Southern sub region. A team of independent scientific advisors developed conservation and management guidance for the sub region that has been used to create potential alternative conservation and development proposals. Preserve options being evaluated will likely protect more than 41,000 acres.

### San Diego County

San Diego is a recognized “hot spot” of biological and species diversity as well as endangered species. Working with groups of citizens, business interests and landowners, local governments have completed the most ambitious planning effort to date. The San Diego subregion was divided into several smaller planning units, and plans are complete for most of them.

In 1996, the City of Poway completed and signed its own jurisdictional plan. San Diego Gas & Electric utility also completed a subregional plan for its ongoing operations and maintenance during that year. In 1997 and 1998, the City and County of San Diego Multiple Species Conservation Program (MSCP) subarea plans were signed and dedicated, marking the end of several years of planning. Combined under the regional framework of the NCCP, these plans will result in the conservation and management of 172,000 acres of habitat for 85 rare species and dozens of habitat types.

The San Diego MSCP program adopted a different approach to conservation and development than Orange County. With thousands of private landowners in the area and a decades-long horizon for development planning, the MSCP adopted a ‘regional land use plan’ approach where many private land dedications to the preserve system would be completed over time. This contrast in process with the Orange Central Coastal plan emphasizes the importance of integrating local needs with regional planning requirements. Local flexibility managed by a regional framework and guidance is a hallmark of the NCCP program.

The San Diego Multiple Habitat Conservation Plan (MHCP) is the conservation planning effort in the northwestern part of San Diego County. The San Diego Association of Governments is the lead agency for planning. This plan includes a completed biological analysis and an evaluation of alternative conservation reserve systems is in process. It covers more than 23 different habitat types and dozens of rare species. The MHCP subregion includes some of the best remaining examples of several coastal habitats in the county, including coastal sage scrub, southern maritime chaparral and vernal pools. As in most subregions, a public funding source is particularly important to purchase lands from willing sellers. These acquisitions will complement habitats protected by private landowners in exchange for development elsewhere.

San Diego jurisdictions have spent more than \$10 million on planning, matched by federal and state planning funds. Federal and state funding partnerships have been essential, since nearly 27,000 acres of habitat must be acquired from willing sellers to assemble the

conservation reserve system. The acres purchased will be shared evenly between local government and state and federal governments. The US Fish and Wildlife Service, the federal Bureau of Land Management, and the state Wildlife Conservation Board have contributed more than \$25 million to acquisitions of several thousand acres in the preserve system. The value of land dedicated by private landowners over time in exchange for development opportunities elsewhere will approach \$500 million.

### Western Riverside County

Western Riverside County has compiled a lengthy record of planning and implementation of endangered species conservation plans. The County has protected several thousand acres of critical habitat with local funds, mostly under its Stephens' Kangaroo Rat Habitat Conservation Plan, approved and dedicated in 1996. The NCCP regional framework provides the opportunity for the County to build on its previous efforts, which in turn offer a significant advantage to the County implementing its NCCP — many of the core conservation areas have already been protected.

The NCCP program also offers Riverside County the chance to pursue further regulatory assurances and land use certainty for a wide variety of species and natural communities in the subregion. Riverside County signed a formal planning agreement in 1997 with the intent of developing an NCCP for the western portion of the county. The current planning process incorporates existing conservation reserves and integrates conservation planning with future transportation and general plan needs of the region. This unique local approach will be coordinated through the regional NCCP framework and guidance and is further evidence of the importance of flexibility to meet local planning needs.

### Riverside County-Coachella Valley

The Coachella Valley is located in eastern Riverside County. The nine cities of the Coachella Valley and Riverside County are preparing an NCCP using the same principles and regional context as the other Southern California efforts. The Coachella Valley planning effort builds on conservation accomplishments of the Coachella Valley fringe-toed lizard Habitat Conservation Plan, adopted in 1985, and the activities of the Bureau of Land Management, the U.S. Forest Service, the Agua Caliente Band of Cahuilla Indians, the state Wildlife Conservation Board, the Coachella Valley Mountains Conservancy, the Wildlands Conservancy and Friends of the Desert Mountains.

Just like the western portion of the county, the goal of the Coachella Valley planning process is to pursue further regulatory assurances, and protection for a wide variety of rare species and natural communities using the regional approach of the NCCP.

More than \$9 million in local funds have been spent on habitat acquisition, and cities have set aside more than 4,500 acres of natural areas. The funding partnership with the Bureau of Land Management is especially essential to the success of the plan. The Bureau has spent more than \$9 million in the Santa Rosa Mountains National Scenic Area since 1990.

## Los Angeles County

Most of the remaining coastal sage scrub habitat in Los Angeles County is concentrated on the Palos Verdes Peninsula. This area is unique in that it contains several rare and declining species not found anywhere else in the NCCP region. The Peninsula contains 1,250 remaining acres of high quality natural open space and six unique populations of protected species. Most of this is private land, which has among the highest land values of any place in Southern California.

The City of Rancho Palos Verdes has led the NCCP effort on the Peninsula. The City Council entered into a formal planning agreement with state and federal wildlife agencies in 1996, and the City has contributed more than \$100,000 to planning. Matching funds through the U.S. Fish and Wildlife Service have also supported the planning effort. In December, 1996, the City purchased its most important habitat preserve, 160 acres in Kiondike Canyon, in a partnership among the Los Angeles County Park and Open Space District, the state Wildlife Conservation Board, and the state Coastal Conservancy. This cornerstone acquisition contains the highest quality habitat on the Peninsula, and will form the foundation of the conservation reserve system.